In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 15727 of 2006

Date of Decision: 28.9.2006

Khushal Singh

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. Ramesh Sharma, Advocate
for the petitioner.

...

J.S. Khehar, J. (Oral).

Through the instant writ petition, the petitioner desires us to require the respondents to communicate to the petitioner, the marks awarded to him and all other candidates in the physical test, written test and viva voca test. In response to our desire to ascertain from the learned counsel for the petitioner whether the instant prayer made by the petitioner was based on any statutory provision, he states, that the instant claim of the petitioner is based on law.

It is not possible for us to accept the instant contention of the learned counsel for the petitioner in view of the order passed by the Supreme Court in Punjab Public Service Commission Vs. Subhash Chander and others (Petition for Special Leave to Appeal (Civil) No.19269 of 1996, decided on 12.9.1997), wherein the Supreme Court observed as under:-

"The High Court dismissed C.W.P. No.1957 of 1996 vide order dated 26th March, 1996 but after dismissal of the petition issued

the following directions:

> However, we direct the Commission to inform the non-selected candidates of the marks obtained by them as has already been directed by this Court in various orders passed earlier.

The grievance of the learned counsel for the appellant is that there is no procedure prescribed under any rule which warrants information to be conveyed to non-selected candidates of the marks obtained by them. It is stated that there is no justification for the aforesaid direction particulars in view of the fact that the appellant conducted selection process for thousands of candidates every year and those who are not selected form the majority. Learned counsel for the respondents has been unable to point out any provision in the rules or in any other instruction which could justify the issuance of the above direction. The aforesaid direction, therefore, is totally unsustainable. We accordingly allow this appeal and modify the judgement of the High Court by deleting the direction reproduced above, while maintaining the rest of the order of the High Court."

In view of the above, we find no merit in the prayer made by the petitioner in the instant writ petition. The same is, accordingly, dismissed.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

28.09.2006
sk.